IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Bail Appl..No. 351 of 2007()

CR.NO.114/04 OF POOYAPPALLY POLICE STATION.

: PETITIONERS/1ST ACCUSED:

MADHU, S/O. RAJAN,
PULANJIPACHA VEEDU, THANIMUKKU, KARINGANNOOR,
VELINALLOOR VILLAGE FROM BABY VILASOM,KUTTICADU,
MIYYANADU VILLAGE.

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
POOYAPPALLY POLICE STATION, KOTTARAKKARA.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.351 OF 2007

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DATED THIS THE 23rd DAY OF JANUARY, 2007

O R D E R

Petitioner who is the first accused in Cr.No.114/04 of Pooyappally Police Station for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 30 packets, each of 150ml, of illicit arrack altogether measuring 4.5 litres on 8.4.2004 and who surrendered before the Magistrate and was remanded to judicial custody on 1.1.2007, seeks his enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the second accused is still absconding.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/